ಶ್ರೀ ಎಲ್.ಆರ್. ಶಿವರಾಮೇಗೌಡಃ– ನಾನು ಕರ್ನಾಟಕ ಭವನದ ವಿಚಾರದಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಏಕೆ ಈ ಮಾತನ್ನು ಹೇಳಿದ್ದೇನೆ ಅಂದರೆ ಐಎಎಸ್ ಆಫೀಸರ್ ಬಹಳ ವ್ಯವಸ್ಥಿತವಾಗಿ ಕಂಟ್ರೋಲ್ ಮಾಡುತ್ತಾರೆ. ಗುಲ್ಬರ್ಗಾ ಜಿಲ್ಲಾ ಪರಿಷತ್‌ನಲ್ಲಿ ಕಳೆದ ಎಂಟು ದಿವಸಗಳ ಹಿಂದೆ ಗ್ರಾಮೀಣಾ ಭಿವೃದ್ಧಿ ಸಚಿವರನ್ನು ನಮ್ಮ ಪಕ್ಷದ ಸದಸ್ಯರೇ ತರಾಟೆಗೆ ತೆಗೆದುಕೊಂಡಿರುವುದನ್ನು ನಾವೆಲ್ಲಾ ನೋಡಿದ್ದೇವೆ. ಗುಲ್ಬರ್ಗಾ ಜಿಲ್ಲಾ ಪರಿಷತ್‌ನಲ್ಲಿ ಒಂದೂವರೆ ಕೋಟಿ ರೂಪಾಯಿ ಭ್ರಷ್ಟಾಚಾರ ನಡೆದಿರತಕ್ಕದ್ದನ್ನು ನೇರವಾಗಿ ಆಪಾದನೆ ಒಳಗಾಗಿರತಕ ಒಬ್ಬ ಅಧಿಕಾರಿಯನ್ನು ಯಾವುದೇ ಕಾರೂ, ಭೇರೂ ಇಲ್ಲದೆ ಜಾಗಕ್ಕೆ ಹಾಕಬೇಕು. ನೀವು ಅವನಿಗೆ ಪ್ರೊಮೋಷನ್ ಕೊಟ್ಟು ದೇಶದ ಕೇಂದ್ರ ಪ್ರದೇಶವಾದ ದೆಹಲಿಯಲ್ಲಿ ಅವನಿಗೆ ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದೀರಿ, ಇದು ಸರಿಯಲ್ಲ. ಇದು ನಡೆದಿದೆ. ಇಂತಹ ಭ್ರಷ್ಟ ಅಧಿಕಾರಿಗಳು ಏನು ಇದ್ದಾರೆ, ನಾನು ಎಲ್ಲರೂ ಭ್ರಷ್ಟರು ಎಂದು ಹೇಳುವುದನ್ನು ಒಪ್ಪುವುದಿಲ್ಲ. ಬಹಳ ಪ್ರಾಮಾಣಿಕರೂ ಇದ್ದಾರೆ. ಜನರ ಸಂಕಷ್ಟಗಳನ್ನು ಅರಿತಿರತಕ್ಕವರೂ ಇದ್ದಾರೆ. ಅಷ್ಟೇ ಬಹಳ ಭ್ರಷ್ಟರೂ ಇದ್ದಾರೆ. ಅಂತಹವರ ಬಗ್ಗೆ ನೀವು ಯಾರಿಗೂ ಹೆದರಬೇಕಾದ ಅವಶ್ಯಕತೆ ಇಲ್ಲ. ಸಿಂಧ್ಯಾರವರೆ, ಚಂದ್ರೇಗೌಡರೆ, ಅವರು ಏನು ಮಾಡಿದರೂ ಈ ಸರ್ಕಾರವನ್ನು ಅಲ್ಲಾಡಿಸುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ನೀವು ಬಲವಾಗಿ ಈ ಲಾಬಿಯನ್ನು ಹೋಗಲಾಡಿಸಿ... ತಾವು ನನ್ನ ಬಗ್ಗೆ ಅನುಕಂಪ ತೋರಿಸಿ..

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್:– ಮಾನ್ಯ ಸದಸ್ಯರು ಸಿಂಧ್ಯಾರವರು, ಚಂದ್ರೇಗೌಡರು ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಅವರದ್ದು ಯಾವ ಸರ್ಕಾರ ಇದೆ ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಇವರಿಗೆ ಯಾವಾಗಲೂ ಸಹ ಅವರನ್ನು ಬಯ್ಯುವುದೇ ಅಭ್ಯಾಸ ಆಗಿದೆ..

ಶ್ರೀ ಎಲ್.ಆರ್. ಶಿವರಾಮೇಗೌಡಃ– ಅವರೇ ಸುಮ್ಮನೇ ಕುಳಿತಿದ್ದಾರೆ. ನೀವು ಏಕೆ ಅವರಿಂದ ಪವರ್ ಆಫ್ ಅಟಾರ್ನಿ ತೆಗೆದುಕೊಳ್ಳುತ್ತೀರಿ... ಇನ್ನು ಒಂದೇ ಅಕ್ಷರ ಹೇಳಿಬಿಡುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರುಃ– ನೀವು ಅನುಕಂಪ ತೋರಿಸಿದ್ದಾಯಿತು. ಅದಕ್ಕಾಗಿ ಧನ್ಯವಾದಗಳನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಆಯಿತು. ವಂದನಾರ್ಪಣೆ ಆದ ಮೇಲೆ ಮತ್ತೆ ಮಾತನಾಡುವುದು ಬೇಡ...

ಶ್ರೀ ಎಲ್.ಆರ್. ಶಿವರಾಮೇಗೌಡಃ– ಇನ್ನು ಒಂದೇ ಒಂದು ವಿಷಯ ಹೇಳುತ್ತೇನೆ...

ಅಧ್ಯಕ್ಷರುಃ– ನಾನು ಅಗ್ರಿಕಲ್ಚರ್ ಮಿನಿಸ್ಟರ್ ಅವರನ್ನು ಕರೆಯುವುದಕ್ಕೆ ಮುನ್ನ ಅವರು ರಿಪ್ಲೈ ಪ್ರಾರಂಭ ಮಾಡುವುದಕ್ಕೆ ಮುನ್ನ ಒಂದು ರೂಲಿಂಗ್ ಕೊಡುತ್ತೇನೆ. ಕ್ಷಮಿಸಬೇಕು. ಇದನ್ನು ಕನ್ನಡಕ್ಕೆ ಭಾಷಾಂತರ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗಿಲ್ಲ. ಈ ರಿಪೋರ್ಟ್ ನನ್ನ ಕೈಗೆ 11 ಗಂಟೆಗೆ ಕೈಸೇರಿತು. ಆದ್ದರಿಂದ ರೂಲಿಂಗ್ ಇಂಗ್ಲೀಷ್‌ನಲ್ಲಿದೆ.

Ruling by the Chair

Some of the Hon'ble Members have given notice under Rule 68 of Rules of Procedure and Conduct of Business in the Legislative Assembly for raising discussion for short duration on urgent matter of public importance viz., situation araising out of the Report submitted by Justice Kuldeep Singh Commission in respect of allotment of 110 acres of land situated in Hosur sarjapur Road by Bangalore Development Authority. Justice Kuldeep Singh was appointed a Commission by the Central Government under Section 3 of the Commission of Enquiries Act 1952 by Notification dated 28.6.1989. The Commission has submitted an elaborate Report on 22nd June 1990. It may be noted that various issues referred to that Commission are also raised by some of the Members of the 8th Assembly.

The Leader of the opposition has pointed out that he has absolutely no objection for discussion on the Report. However he has drawn my attention to the propriety of discussing the report even before the Parliament has had the chance to discuss the same. In support of his view he pointed out that the Commission itself was appointed by the Central Government and both the Houses of parliament should get the first chance to debate on the issue. He has contented that by making available the copies of the Report to the presiding officers of the parliament, the report is deemed to have been placed on the table of Houses of Parliament, even though the parliament is not in Session. Let me first address myself to the question of propriety raised by the Leader of the Opposition. It may be mentioned that there have been instances of Lok Sabha discussing the report of enquiry of Commission on number of occasions. I may quote a few instances. The Report of the Commission of enquiry into the affairs of Life Insurance Corporation of India, presided over by Justice Chagla the report of Commission of enquiry into the case of Food poisoning in Kerala and Madras States presided over by Justice J.C. Shaha and the Report of the Commission of the Enquiry to investigate into the Administration of certain Dhalmia-Jain Companies presided over by Justice V.V.N. Bhose, have been discussed in Parliament.

So, in the light of the precedents followed by Lok Sabha, I am of the view that this House is not committing any breach of propriety in allowing discussion of the report of Justice Kuldeep Singh Commission. I have to point out at this stage that the Report itself is not sought to be discussed by the Members under Rule 68 of the Rules of Procedure. What is sought to be discussed under that Rule is the situation araising out of the Report of commission relating to allotment of 110 acres of land of Hosur-Sarjapur Road by Bangalore Development Authority to non-resident Indians. The report of the Commission may be pressed into service by the Members while discussing this matter of public importance. With regard to the second point raised by the Leader of the opposition i.e. the Report of the Commission is deem to have been laid on the table of both Houses of Parliament and the Parliament should have the first opportunity to discuss the same, it has to be noted that the Central Government could not have intended to place the Report of the Commission on the table of the Parliament by sending copies of the Report to the Presiding Officers. Section 3 (4) of Commission of Enquiry Act make it obligatory on the part of the appropriate Government to lay before the House of the people on as the case may be the Legislative Assembly of the State, the report if any of the Commission on the enquiry made by the Commission under sub-section (1) together with the Memorandum of action taken thereon within the period of six months of the submission of the report by the commission to be appropriate Government. Evidently Central Government which appointed

the Commission has not taken any action on the Report of the Commission. Consequently the Central Government could not have laid the Report on the table of the House of Parliament. What the Central Government has done is only that the Report of the Commission has been published by sending copies of the Report to the Presiding Officers of the Parliament and laying the Report in the Public Library of the Parliament for the perusal of the Members. This act of the Central Government does not amount to laying the Report of the Commission on the table of the House of Parliament.

The question whether the Report of the Commission of Enquiry presided over by serving or retired judge should be allowed to be discussed in detailed in the State Legislature or whether debate should be confined only to the action taken by Government on such Report came up for discussion in the conference of presiding officers of Legislative Bodies in India, in November, 1974. Some of the Speakers contented that without going to the facts of the enquiry report, only the action taken by the Government on such Report should be discussed. Some of the Speakers advanced counter arguments contending that the action taken by the Government would invariably lead them to the issue of facts of the Reports itself and so discussing the matter without touching the facts contained in the report is not possible. Concluding the discussion on this question, Dr. G.S. Dhilon, Speaker, Lok Sabha, who was the Chairman of the conference, stated as follows, "My view is we should not discuss any Report before action taken Report comes. It should be made clear to the Members-it need not be mandatory-that they should avoid discussing the facts and findings of the case but they should confine themselves only to the action taken Report. But if discussion on the facts and on the action taken becomes inseparable and the Member is prepared to argue that it is inseparable and he is able to convince that Chair that taking into consideration the action taken a reference to certain findings of facts cannot be avoided, then it is within the discretion of the Chair to allow that Member, making it very clear that he is not to comment on the intentions or the bona fides of the Judge." The view I think should be acceptable to all of us. It would be appropriate if I recall the submission made by our Chief Minister to convey to the House that the subject matter on enquiry was the land situated in Karnataka and the persons involved in the enquiry are the various functionaries of the Government of Karnataka. The very fact that the sitting judge of a Supreme Court was asked to conduct the enquiry and submit a Report, under lines the importance attached to this particular issue. Now the question is to delimit the para-metres of the discussion of the issue. The Members have to bear in mind the provisions of Article 211 of the Constitution of India which provides that no discussions shall take place in the Legislature of a State

with respect to conduct of the Judge of Supreme Court or High Court in discharge of his duties. Article 221 of the Constitution has similar provisions in relation to Parliament. When a Judge of Supreme Court or High Court is appointed as Commission of enquiry under the Commission of Enquiry Act, 1952, his functions cannot strictly be termed as functions in discharge of his duties as a Judge but it has been held by the Supreme Court of India in Alok Kumar vs. Dr. S.N. Sharma (A.I.R. 1968, S.C. 453) that, while acting as Commission of Enquiry, the Judge does not demit office nor does he cease to be a judge of Supreme Court or the High Court. It is further held that appointment of Judge as Commission of enquiry does not deprive him of the rights and the privileges of a Judge of the High Court provisions of Article 211 of Constitution are mandatory.

Members should not say anything which is a reflection on any Judge of High Court or the Supreme Court. Deprecatory remarks against the Judges of High Court or Supreme Court cannot be made in the House. No aspersion can be made against them. The members have to bear in mind this limitation while participating in the discussion on this matter. The notice is admitted. The copies of the Report kept in the Notice Office may be collected by the members.

ಕುಲದೀಪ್ ಸಿಂಗ್ ಆಯೋಗದ ವರದಿಯ ಬಗ್ಗೆ ಚರ್ಚೆ

† SRI D.B. CHANDRE GOWDA:- Sir, with great respect I received the decision that you have given before the House. Now, do I take this report i.e., Kuldip Singh Commission Report as laid on the table of the House? Do I take this as deemed to have been placed on the table of the House?

MR. SPEAKER:- This House?

SRI D.B. CHANDRE GOWDA:- Yes, this House it is the first question. The next point is, the Report is under consideration of the Central Government. It is not the only case that properties belonging to Karnataka are involved in it. The allegations of FERA violations have been raised in the Kuldip Singh Commission Report. To my information and knowledge the Commission has gone into that also and if that is the case then it is not well within the purview of the State Government to go into the details of the Central Government like FERA, international and National Acts- the only competent authority to take action about those things is the Central Government. Second point,Sir, there are three courses open to the Central Government. One is that the Central Government may reject the Commmission's Report. I don't say it will or it may tabled on the table of both the Houses of Parliament. The Parliament may go into the details of it